

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8583 OF 2005

Pandurang L. Bhoir

...Petitioner.

Versus

Narrotam G. Patil & Ors.

...Respondents.

Shri I.S.Thakkur & S.S.Sayyed for the Petitioner.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th JANUARY, 2006.

P.C. :

1. After hearing Shri Thakkur appearing for the petitioner, I find no reason to interfere, under Article 227 of the Constitution of India, with the order passed by the District Judge, Thane in Misc.Civil Appeal No.77 of 2005, which was preferred by the original defendant Nos.1 to 6 to challenge an order dated 19th July, 2005 passed in favour of the petitioner-original plaintiff.

2. The lower Appellate Court has rightly observed that prima-facie, the averments in the plaint do not make-out a case of the plaintiff acquiring title to the immovable property in question by adverse possession. The Court below has rightly observed that on the strength of some order and some stray entry of the year

2003-2004, the plaintiff's assertions in the plaint that he has been in continue, uninterrupted and adverse possession, are not at all substantiated.

3. All observations made by the lower Appellate Court are, prima-facie, and will not influence the trial Judge while trying the Suit, which shall be decided on its own merits and in accordance with law. Petition dismissed. Considering the fact that interim orders are refused and petitioner-orig.plaintiff apprehends that the transaction would be completed by the respondents, the hearing of the Suit is expedited.

(S.C.DHARMADHIKARI,J.)